



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT
601 E. 12TH STREET, 635 FEDERAL BUILDING
KANSAS CITY, MO 64106-2824

EI-31392

December 9, 2021

Regulatory Branch
(NWK-2021-859)

Mr. Joshua Wayland
Surface Transportation Board, c/o VHB
Attention: Environmental Filing, Docket No. FD 36500
940 Main Campus Drive, Suite 500
Raleigh, NC 27606

Dear Mr. Wayland:

This is in response to your letter, dated November 12, 2021, requesting comments regarding the Notice of Intent to prepare an environmental impact statement for the merger of the Canadian Pacific Railway and Kansas City Southern railroad companies. The proposed combined rail lines of these two companies span multiple U.S. Army, Corps of Engineers Districts, including the Kansas City District.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344) and /or Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

We have reviewed the locations of the existing rail lines and associated facilities that may experience operational changes resulting from the proposed merger. We will further evaluate any necessary permit considerations for the work when an application and more detailed descriptions for the impacts of that work to waters of the United States has been submitted for review. These locations may include the Leeds or Kansas City Intermodal facilities, the addition of new or improved track and/or rail sidings, or other work and locations within our District.

Thank you for providing us the opportunity to review the Notice of Intent for the project. If you have any questions concerning this matter, please feel free to write or contact Mr. Brian Donahue at 816-389-3703 or by email at brian.t.donahue@usace.army.mil. Please reference Permit file number NWK-2021-0859 in all comments and/or inquiries relating to this project. This letter is only being provided to electronically through the project website at www.stb.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "M. D. Frazier", is located below the "Sincerely," text.

Mark D. Frazier
Chief, Regulatory Branch
Operations Division